

Response
Application No. 10/735,899
Attorney Docket No. 032172

REMARKS

Claims 1 - 26 are pending in the present application. By this Amendment, claims 1, 3, 6, 7, 8, 11, 13, 16, 19, 21, and 24 have been amended, claims 2, 4, 12, 14, 20 and 22 have been cancelled and new claims 27-31 have been added. No new matter has been added. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated June 7, 2006.

Allowable Subject Matter:

Applicant gratefully acknowledges the indication in item 1 of the Action that claim 7 would be allowable if rewritten in independent form to include the features of the base and intervening claims.

Accordingly, it is submitted that claim 7 has been amended into independent form to include the feature of base claim 1 and intervening claims 2 and 3. As such, it is submitted that independent claim 7 is now allowable.

In addition, it is submitted that new independent claims 27 and 28 each include features similar to those of independent claim 7, and therefore, it is believed that new independent claims 27 and 28 are allowable as well.

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As to the Merits:

As to the merits of this case, the Examiner sets forth the following rejection:

claims 1-6 and 8-26 stand rejected under 35 USC 102(a) as being anticipated by Lin (U.S. Patent Application No. 2002/0099974).

This rejection is respectfully traversed.

According to Lin, if a confirmation signal generated by a primary BIOS program after power-on is not received by a BIOS switching circuit before the BIOS switching circuit receives a delay signal generated by a timer circuit, the primary BIOS is found to be corrupt, and the BIOS switching circuit causes a CPU to be reset and shadows a secondary BIOS program.

In addition, Lin also discloses in paragraph [0031] that “multiple flash ROMS may be used,” for the primary and secondary BIOS programs.

Further in paragraph [0050], Lin discloses in part that:

Additionally, it is possible to provide for a recovery operation of a BIOS that is found to be defective. For example, if the verification code 404 of the primary BIOS 40p finds that the secondary BIOS 40s is corrupted, the verification code 404 may then cause the secondary BIOS 40s to be overwritten by a copy of the functional primary BIOS 40p. In effect, two copies of the primary BIOS 40p would then be present. However, if, as previously indicated, the secondary BIOS 40s is provided its own set of BIOS setup values 40v, then such a configuration

would still permit a user to provide for two unique machine setup states despite the fact that the program code of the primary BIOS 40p and the secondary BIOS 40s is effectively identical. (Emphasis added.)

In view of the above, it appears that Lin only updates the secondary BIOS when it is corrupted and not after the secondary BIOS is switch to from the primary BIOS.

This is in complete contrast to the present claimed invention. For example, claim 1 calls for *switching to the BIOS is said memory in standby when the BIOS in said one memory cannot be booted; and executing an update of said BIOS by writing to said memory in standby; executing an update of said BIOS by writing to said memory in standby; permitting switching said memory in standby to in operation when the update of said BIOS in said memory in standby succeeded; and writing the BIOS of said memory switched to operation, to said memory switched to standby for redundancy after said switching.*

In other words, in the present invention, the memory in operation is switched to the memory in standby when the BIOS cannot be booted so as to prevent system startup from being disabled. And when BIOS is updated according to the CPU stepping change, only the BIOS memory in standby is written, without writing the two BIOS memories at the same time, and the currently operating BIOS is not rewritten. Therefore, the system can be started using the currently operating BIOS if the update fails, which prevents system startup from being disabled.

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As such, since only the memory in standby is updated, even if a power failure occurs during writing for the update, power recovery processing, using BIOS different from the one before the power failure, can be prevented.

In view of the above, it is respectfully submitted that Lin fails to disclose or fairly suggest the features of claim 1 concerning *switching to the BIOS in said memory in standby when the BIOS in said one memory cannot be booted; and executing an update of said BIOS by writing to said memory in standby; executing an update of said BIOS by writing to said memory in standby; permitting switching said memory in standby to in operation when the update of said BIOS in said memory in standby succeeded; and writing the BIOS of said memory switched to operation, to said memory switched to standby for redundancy after said switching.*

It is also submitted that Lin also fails to disclose or fairly suggest the features of independent claims 11 and 19 for at least the reasons set forth above with regard to independent claim 1.

Further, it is submitted that Lin fails to disclose or fairly suggest the newly added features on new claims 29-31 concerning booting updated BIOS in a first memory; and copying the updated BIOS in the first memory to a second memory that stored BIOS before said updating after said booting.

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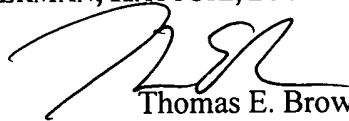
In view of the aforementioned amendments and accompanying remarks, Applicant submits that the claims, as herein amended, are in condition for allowance. Applicant requests such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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